

REMARKS

The Applicant has carefully reviewed the Final Office Action mailed April 11, 2007 and offers the following remarks.

Claims 1-17 and 19-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0038400 A1 to *Fukushima* (hereinafter "*Fukushima*") in view of U.S. Patent Application Publication No. 2005/0198069 A1 to *Cherry et al.* (hereinafter "*Cherry*"). The Applicant respectfully traverses the rejection.

The Applicant submits that *Cherry* is not prior art against the present application under 35 U.S.C. § 102. In particular, the present application has a filing date of April 14, 2004. *Cherry* has a filing date of March 5, 2004. Accordingly, *Cherry* is only prior art under 35 U.S.C. § 102(e). However, as detailed in the attached Declaration of the Applicant, Dany Sylvain, the invention of the present application was conceived of as early as November 9, 2003, well before the filing date of *Cherry*. Furthermore, as established in the attached Declaration of Benjamin S. Withrow, the patent attorney who prepared the application, Mr. Withrow diligently prepared the present application from on or about January 20, 2004, well before the filing date of *Cherry*, until April 14, 2004, the date on which the present application was filed with the Patent Office. As noted in the Declaration of Mr. Withrow, Mr. Withrow received an Invention Disclosure which included the subject matter of the present application on January 20, 2004 and commenced preparation of the application on January 21, 2004 and continued preparation through April 14, 2004. The activities performed by Mr. Withrow between January 20, 2004 and April 14, 2004, included receiving instructions to prepare the present application, reviewing the Invention Disclosure, and discussing the invention with the Applicant. The activities during this time frame also included preparing the initial application, sending a draft version of the application to the Applicant, revising the patent application with comments received from the Applicant, and having Declaration and Assignment documents executed by the Applicant. Therefore, as the Applicant has established conception prior to the filing date of *Cherry* and extending to the filing date of the present application and diligence throughout this time period, the Applicant submits that *Cherry* is not prior art against the present application. As correctly pointed out by the Patent Office, *Fukushima* does not disclose all the features recited in claims 1-

17 and 19-35 and instead cites to *Cherry* to overcome the deficiencies of *Fukushima*.¹ As *Cherry* is not prior art under 35 U.S.C. § 102, the rejection cannot stand.

In spite of this shortcoming, even assuming *arguendo* that *Cherry* somehow is prior art, none of the references, either alone or in combination, discloses or suggests all the features recited in the claims. According to Chapter 2143.03 of the M.P.E.P., in order to “establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” The Applicant submits that neither *Fukushima* nor *Cherry*, either alone or in combination, discloses or suggests all the features recited in claims 1-17 and 19-35.

More specifically, claim 1 recites a mobile terminal comprising, among other features, a first interface which facilitates communications via a wired connection to “a first communication network” and a second interface which facilitates local wireless communications “via a second communication network.” Claim 19 includes similar features. The Applicant submits that neither reference, either alone or in combination, discloses or suggests a mobile terminal having a first interface which communicates with a first communication network and a second interface which communicates with a second communication network which is separate from the first communication network. *Fukushima* only discloses that a personal computer communicates with the same LAN through either a first communication interface or a docking station. However, nowhere does *Fukushima* disclose or even suggest that a personal computer includes a first interface which facilitates communication with a first communication network and a second interface which facilitates communication with a second communication network which is separate from the first communication network. Similarly, *Cherry* does not disclose or suggest these features.

Claim 1 also recites establishing communication sessions “associated with a first indicia” over the first and second communication networks. Claim 19 includes similar features. The Applicant submits that none of the references, either alone or in combination, discloses or suggests a first indicia which is associated with a communication session. As correctly pointed out by the Patent Office, *Fukushima* does not disclose this feature and instead cites to *Cherry*.² As noted above, *Cherry* is not a valid reference against the present application. Thus the rejection cannot stand. As such, claims 1 and 19 are patentable over the cited references and the

¹ See Final Office Action mailed April 11, 2007, page 4.

² See Final Office Action mailed April 11, 2007, page 4.

Applicant requests that the rejection be withdrawn. Likewise, claims 2-16 and 20-34, which ultimately depend from either claim 1 or 19, are patentable for at least the same reasons along with the novel features recited therein.

Claim 17 recites that a “first session is associated with a first address for the mobile terminal and the second session is associated with a second address for the mobile terminal.” Claim 35 includes similar features. The Applicant submits that neither *Fukushima* nor *Cherry*, either alone or in combination, discloses or suggests that a first session is associated with a first address for a mobile terminal and a second session is associated with a second address for the mobile terminal. In supporting the rejection, the Patent Office asserts that *Fukushima* discloses this feature at paragraph [0090].³ The Applicant respectfully disagrees. The Applicant has reviewed paragraph [0090] along with the remainder of the reference and submits that nowhere does *Fukushima* disclose or suggest a first session which is associated with a first address and a second session which is associated with a second address. In fact, nowhere does *Fukushima* make any mention of a first address or a second address, much less associating a first session with a first address and a second session with a second address. Moreover, the Applicant has reviewed *Cherry* and submits that nowhere does *Cherry* disclose or even suggest the features of claims 17 and 35. For this reason and the reasons noted above, claims 17 and 35 are patentable over the cited references and the Applicant requests that the rejection be withdrawn.

Claims 18 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fukushima* in view of *Cherry* and further in view of U.S. Patent No. 6,475,146 B1 to *Frelburger et al.* (hereinafter “*Frelburger*”). The Applicant respectfully traverses the rejection. As noted above, *Cherry* is not a valid prior art reference. In addition, claims 1 and 19, the base claims from which claims 18 and 36 respectively depend, are patentable over the cited references. Moreover, *Frelburger* does not address the previously noted shortcomings of either *Fukushima* or *Cherry*. Accordingly, claims 18 and 36 are patentable over the cited references and the Applicant requests that the rejection be withdrawn.

The present application is now in a condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact the Applicant’s representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

³ See Final Office Action mailed April 11, 2007, page 9.

Respectfully submitted,

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